

Jun 24 03 02:13p

Megan Health

FAX1 \* Pg 2/4

3143009077

P. 2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Curtiss et al.	Group No.:	1645
Serial No.:	09/360,539	Atty. Docket No.:	53116-4355
Filed:	April 28, 2000		
For:	Regulated Antigen Delivery System	Examiner:	Mark Albert Navarro

Examiner Navarro  
Group Art Unit 1645  
Commissioner of Patents and Trademarks  
Alexandria, VA 22313

**STATEMENT UNDER 37 C.F.R. § 1.804**

The microorganism, MGN 3394, harboring pMEG-771 plasmid, has been deposited with the American Type Culture Collection on June 5, 2003. The pMEG-771 contained in MGN-3394 is the biological material specifically identified in the application as filed.



Dr. Steven A. Tinge

**THOMPSON COBURN**Thompson Coburn LLP  
Attorneys at Law

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314-552-6000

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**OFFICIAL****Facsimile**

FOR IMMEDIATE DELIVERY

To	Firm Name	Phone	Fax
Mark Albert Navarro	USPTO		703-308-4242

From: Kimberly H. Lu

Date: 06/24/2003

Message: Re: Application of Curiss et al.  
Serial No. 09/560539 Filed on April 28, 2000  
Examiner Mark Albert Navarro  
Group Are Unit 1645  
Atty Docket No. 33116-4355

**FAX RECEIVED**

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**GROUP 1600**

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Thank you

Kimberly H. Lu  
Reg. No. 51,973  
Thompson Coburn LLP

Atty/Client/Matter No.: 3069/53116/04355

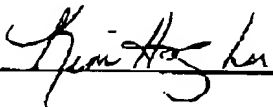
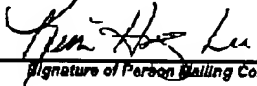
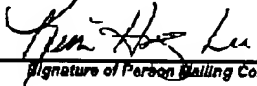
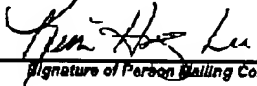
Total Number of Pages, including this page: 14

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Thank you,

Fax Department - Operator: 027Time of Transmittal: 548 A.M./P.M. -**Confidentiality Note**

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<b>TRANSMITTAL LETTER</b> (General - Patent Pending)			Docket No. 53116-4355			
In Re Application Of: Curtiss et al.						
Serial No. 09/560,539	Filing Date April 28, 2000	Examiner Mark Albert Navarro	Group Art Unit 1645			
Title: Regulated Antigen Delivery System						
<b><u>TO THE COMMISSIONER OF PATENTS AND TRADEMARKS</u></b>						
Transmitted herewith is:						
1. Response to the Office Action mailed on March 25, 2003						
in the above identified application.						
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of is attached. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge and credit Deposit Account No. 20-0823 as described below. A duplicate copy of this sheet is enclosed. <input type="checkbox"/> Charge the amount of <input type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required.						
 _____ Signature		Dated: June 24, 2003				
Kimberly Lu Registration No. 51973 One US Bank Plaza St. Louis, Missouri 63101 (314) 552-6307		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px; font-size: small;">I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted via facsimile to fax no. 703-705-4242 on June 24, 2003.</td> </tr> <tr> <td style="text-align: center; padding: 5px;">             Signature of Person Mailing Correspondence         </td> </tr> <tr> <td style="text-align: center; padding: 5px;">           Kimberly H. Lu            Typed or Printed Name of Person Mailing Correspondence         </td> </tr> </table>		I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted via facsimile to fax no. 703-705-4242 on June 24, 2003.	 Signature of Person Mailing Correspondence	Kimberly H. Lu Typed or Printed Name of Person Mailing Correspondence
I hereby certify that this correspondence and the documents referred to as enclosed therein are being transmitted via facsimile to fax no. 703-705-4242 on June 24, 2003.						
 Signature of Person Mailing Correspondence						
Kimberly H. Lu Typed or Printed Name of Person Mailing Correspondence						
Customer No.: 021888						

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Megan Health

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P. 4

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Megan Health Inc.  
Attn: Steven A. Tinge  
8620 Pennell Drive  
Overland, MO 63114

Deposited on Behalf of: AVANT Immunotherapeutics, Inc.  
119 Fourth Avenue, Needham, MA 02494-2735

Identification Reference by Depositor:

Patent Deposit Designation

Attenuated *Salmonella enterica* Serovar typhimurium containing  
recombinant plasmid pMEG-771: MGN-3394

PTA-5256

The deposit was accompanied by: ☐ a scientific description ☒ a proposed taxonomic description indicated  
above.

The deposit was received June 10, 2003 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to  
receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent &  
Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility  
to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most  
recent request for a sample, whichever is longer. The United States and many other countries are signatory  
to the Budapest Treaty.

The viability of the culture cited above was tested June 16, 2003. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 20, 2003

cc. Dan Kasten

Ref: Docket or Case No.: 53116-4355 (MEQ-213.0US)

AP/4

\*\* TOTAL PAGE.14 \*\*